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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Amendment of Part 90 of the)
Commission's Rules to Adopt)
Regulations for Automatic)
Vehicle Monitoring Systems)

ET Docket No. 93-61
RM-8013

To: The Commission

REPLY COMMENTS OF THE
UTILITIES TELECOMMUNICATIONS COUNCIL

Pursuant to Section 1.415 of the Commission's Rules, the Utilities Telecommunications Council (UTC) hereby submits its reply comments with respect to comments submitted in response to a February 9, 1994, Public Notice issued by the Commission, DA 94-129, in the above captioned matter.^{1/}

I. INTRODUCTION

As the national representative on communications matters for the nation's electric, gas, water, and steam utilities, and interstate gas pipelines, UTC reiterates its opposition to an allocation of the 902-928 MHz band for automatic vehicle monitoring (AVM). Such an allocation would have an adverse impact on utility distribution automation systems operating in

^{1/} By Order, DA 94-252 (as corrected), issued March 18, 1994, the Commission extended the reply comment date to March 29, 1994.

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**II. THE RECORD INDICATES OVERWHELMING OPPOSITION TO
THE DEVELOPMENT OF A LOCATION MONITORING SERVICE
IN THE 902-928 MHz BAND**

Other than potential LMS operators, there is virtually no support for the Commission's original proposal. In fact, as the Part 15 Coalition indicates, the record in this proceeding is overwhelmingly opposed to the establishment of a LMS service in the 902-928 MHz band.^{2/}

It is undisputed that Part 15 devices have the potential to cause interference to wide-band LMS services. In fact, Pacific Teletrac's revised allocation scheme and proposed definition for "harmful interference" by Part 15 devices are predicated on the assumption that there will be interference between LMS and Part 15 devices. Given the acknowledged potential for interference to LMS, and the non-interference requirements of Part 15 operation, an allocation of the 902-928 MHz band to LMS would indicate a conscious decision on the part of the FCC to sacrifice the continued use of this band for Part 15 services.

A number of utilities operate automatic meter reading equipment and other distribution automation equipment in the 902-928 MHz band on a Part 15 unlicensed basis. While entities that operate on a Part 15 basis are understood to have no rights to interference protection, the FCC should not cavalierly dismiss the significant operational and financial investment in equipment that utilities and others have made in the 902-928 MHz band in

^{2/} Part 15 Coalition, p. 2.

order to meet the spectrum desires of an esoteric service that may never develop.

In GEN Docket No. 89-354 the Commission specifically amended its rules to facilitate the design and use of spread spectrum frequency hopping devices in the 902-928 MHz band on an unlicensed basis.^{3/} In adopting these rules the FCC encouraged the development of unlicensed spread spectrum systems, stating:

We desire to encourage the development and implementation of this exciting new family of technologies and therefore seek to provide an appropriate regulatory framework in which there is maximum flexibility for the use of spread spectrum systems consistent with the basic precept of the Part 15 rules that non-licensed operations are not to cause harmful interference to established services.^{4/}

To adopt a rule that would effectively hamper the continued use and development of Part 15 spread spectrum systems at this time would completely disregard the substantial time, money and efforts that have gone into the development of these systems.

Moreover, the continued use of Part 15 devices is integral to the advancement of major policy initiatives of the Clinton Administration in the areas of energy conservation and management, emergency response and rescue, health care, pollution control, and improved industrial productivity.

^{3/} Report and Order, GEN Docket No. 89-354, FCC 90-233, released July 9, 1990.

^{4/} Report and Order, GEN Docket No. 89-354, at para. 8.

III. CONCLUSION

Having induced manufacturers, core industries and consumers to spend hundreds of millions of dollars on unlicensed devices, the FCC should not now abandon the Part 15 community. Instead, based on the record before it, the Commission should look elsewhere for the formation of an LMS service.

WHEREFORE, THE PREMISES CONSIDERED, the Utilities Telecommunications Council respectfully requests the Commission to take actions consistent with the views expressed herein.

Respectfully submitted,

UTILITIES TELECOMMUNICATIONS
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March 29, 1994

CERTIFICATE OF SERVICE

I, Kim Winborne, a secretary with the Utilities Telecommunications Council, hereby certify that a copy of the foregoing Reply Comments was hand delivered, this 29th day of March, 1994, to each of the following:

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